
In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 23.1.2007.

Sanjay Bhati and others

... Petitioners.

vs

State of Haryana and others

... Respondents.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.Parveen Kumar,Advocate,for the petitioners.

Kiran Anand Lall, J.

The trial court as well as the appellate court having declined to restrain the respondents from utilising the disputed site, which is part of Shamlat Deh, for the construction of a 132 K.V.Power House, the petitioners have come up in revision to this court. The disputed site had been given by respondent no.6 (Gram Panchayat) to the DHBVNL, by way of gift, by passing a resolution.

The Executive Engineer of City Division, DHBVNL, Bhiwani (respondent no.3) demanded six acres of land, free of cost, from respondent no.6, for establishing a (132 K.V.) Power House in the village. The latter, thereupon, gifted the land in question, for the purpose. It is not in dispute that this land forms a part of Shamlat deh. Respondent no.6, who was its owner, passed a resolution dated 12.7.2005 in respect of the gift, and sent it to the Government of Haryana, for approval. The necessary approval was accorded vide order dated 8.8.2005 and, thereupon, the land was gifted to DHBVNL.

The land was gifted by the Gram Panchayat, under rule 13 (1)

of the Punjab Village Common Lands (Regulation) Rules, 1964 (as applicable to Haryana), for a purpose beneficial to the inhabitants of the village and approved by the Government. It would be useful to re-produce rule 13(1) of the Punjab Village Common Lands (Regulation) Rules, 1964, hereunder:-

“13. Purposes for which land may be gifted (1) A Panchayat may, with the previous approval of the Government, gift the land in Shamilat deh vested in it under the Act for the purposes of hospital, dispensaries or educational or charitable institution or for such other purposes as may be approved by the Government to be for the benefit of the inhabitants of the village concerned.” (emphasis added)

The setting up of a (132 K.V.) Power House in the village clearly appears to be for the benefit of the inhabitants of the village, as it would be helpful in the management and transmission of electricity, whereby the power situation in the area would improve. Reference in this connection may be made to para 15 of the order of the appellate court (dated 29.11.2006) wherein it finds mention that the petitioners had themselves admitted such beneficial effect, in para 4 at page 4 of the Grounds of appeal filed by them, in the appeal. The setting up of a power house being for the benefit of the inhabitants of the village, and the Government having also approved the gifting of land for the purpose, the Gram Panchayat, apparently, does not appear to have faulted on any score, in giving the land, forming a part of Shamlat Deh, to the DHBVNL, by way of gift, by passing a resolution, in this regard.

In view of the above, I do not find any ground calling for interference of this court, in the impugned order of the appellate court vide

which it confirmed the order of the trial court dismissing the application for temporary injunction.

Dismissed.

However, nothing contained in this order would be taken as an expression of opinion on the merits of the case.

23.1.2007.

vs.

(Kiran Anand Lall)
Judge.